



DEP & REF

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NISHIUMI et al.

Atty. Ref.: 723-680 Confirmation No.: 8423

Appl. No. 09/227,350

T.C. Art Unit: 2673

Filed: January 8, 1999

Examiner: D.L. Lewis

For: OPERATING DEVICE AND IMAGE PROCESSING SYSTEM USING SAME

* * * * *

September 30, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

A Notice of Appeal was filed July 22, 2005 for the above-captioned application, and was accompanied by payment for a three month extension of time.

An Amendment After Final was filed on May 24, 2005 almost five months ago. However, the PTO Private Pair system, for some unknown reason, will not allow Applicant to access information regarding this application. A telephone call to the Examiner in charge, David L. Lewis, on September 12, 2005 revealed that, although the PTO had received and scanned Applicant's May 24, 2005 Amendment After Final, the Amendment did not appear on the Examiner's docket and that the PTO had apparently either misentered or neglected to enter it in a timely fashion. Although Examiner Lewis assured Applicant that he would immediately rectify the problem and that an Advisory Action or a Notice of Allowance would soon be forthcoming, as of the present date,

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Applicant has still not received any communications from the PTO. (Consequently, it will now also be necessary for Applicant to pay for at least one a month extension of time for filing an Appeal Brief.)

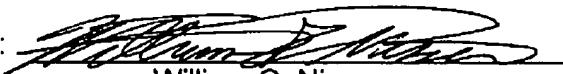
Had the May 24, 2005 Amendment After Final been timely acted upon, even if with a negative advisory, Applicant could have taken further action without the need of the second and third month extensions of time. Hence, it is respectfully requested that the second and third month extension of time fee previously paid be refunded to the undersigned's deposit account no. 14-1140.

\$ 1,020.00

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


William G. Niessen
Reg. No. 29,683

WGN:ap
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000

Facsimile: (703) 816-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Atty Dkt. 723-680

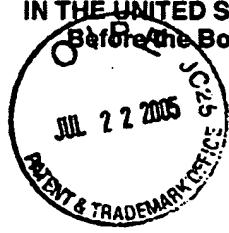
C# M#

TC/A.U.: 2673

Examiner: D. Lewis

Date: July 22, 2005

Title: OPERATING DEVICE AND IMAGE PROCESSING SYSTEM USING SAME



AF
ZMW

In re Patent Application of

NISHIUMI et al.

Serial No. 09/227,350

Filed: January 8, 1999

Title: OPERATING DEVICE AND IMAGE PROCESSING SYSTEM USING SAME

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Correspondence Address Indication Form Attached.

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting \$500.00 (1401)/\$250.00 (2401) \$ 500.00 applicant's claim(s).

An appeal BRIEF is attached in the pending appeal of the above-identified application

\$500.00 (1402)/\$250.00 (2402) \$

Credit for fees paid in prior appeal without decision on merits

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A reply brief is attached in triplicate under Rule 41.41

(no fee)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 1020.00

"Small entity" statement attached.

Less one month extension previously paid on May 24, 2005

-\$(120.00)

TOTAL FEE ENCLOSED \$ 1400.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
JSP:mg

NIXON & VANDERHYE P.C.
By Atty: Joseph S. Presta, Reg. No. 35,329

Signature: 

07/25/2005 SSITHIB1 00000052 09227350

FC:1401 500.00 DP

07/25/2005 SSITHIB1 00000052 09227350

02 FC:1253 900.00 DP

Adjustment date: 12/21/2005 SDIRETA1
07/25/2005 SSITHIB1 00000052 09227350
02 FC:1253 -900.00 DP

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Repn. Ref: 12/21/2005 SDIRETA1 0008350000
DAB:141140 Name/Number:09227350
FC: 9204 \$900.00 CR